

Invitation to Comment

Title	Alternative Dispute Resolution (ADR): Procedures for Addressing Complaints About Court-Program Mediators for Civil Cases (renumber rules 3.870–3.878 of the California Rules of Court as rules 3.890–3.898, respectively; amend and renumber rules 3.865, 3.866, 3.867, and 3.868 as rules 3.866, 3.869, 3.868, and 3.872, respectively; adopt rules 3.865, 3.867, 3.870, 3.871, and 3.880–3.886; amend rule 10.781; and revise form ADR-107).
Summary	<p>This proposal would expand existing general requirements concerning superior court procedures for addressing complaints about court-program mediators for civil cases. It would allow courts to either (1) establish a complaint procedure that is consistent with these requirements by local rule of court or (2) follow a “default” complaint procedure established by proposed new rules 3.880–3.886. This is a revision of a proposal circulated for public comment in 2007, which proposed a uniform statewide procedure for addressing such complaints.</p> <p>A related amendment to rule 10.781 would clarify that being included on a court list or panel of ADR neutrals and being eligible to be recommended, appointed, or compensated by the court to serve as a neutral are revocable privileges and confer no vested right on the neutral.</p> <p>Revision of <i>Attendance Sheet for Court-Program Mediation of Civil Case</i> (form ADR-107) would shorten and simplify this optional form.</p>
Source	Civil and Small Claims Advisory Committee Hon. Lee Smalley Edmon, Chair
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Discussion	<p><u>Introduction</u></p> <p>Last year, the Civil and Small Claims Advisory Committee circulated for public comment a proposal to establish a procedure for handling complaints about mediators in court-connected mediation programs for civil cases. The committee has made significant revisions to that proposal in response to the comments received and is now seeking public comment on the revised proposal.</p> <p><u>Background</u></p> <p>The Judicial Council encourages superior courts to establish mediation programs for civil cases. (See Cal. Stds. Jud. Admin., std. 10.70(a).)</p>

